

The New Groundwater Law - 2003 Wisconsin Act 310

DNR Bureau of Drinking
Water and Groundwater



M I L W A U K E E JOURNAL SENTINEL

SEVENTH EDITION • WEDNESDAY, JUNE 13, 2001 • www.journal-sentinel.com

Friday, June 15, 2001
**PCB cleanup
found lacking**
Sediment in bay ignored

EPA set to act on dumping

Fines possible against MMSD, communities

By STEVE WITTECH
and MARK HANCOCK

of the June 13, 2001

Prohibition dumping of raw sewage by the Milwaukee Metropolitan Sewerage District and local municipalities is under review, a U.S. Environmental Protection Agency official said Tuesday.

That action could range from a

monitored dump to impose fines

to \$25,000 a day or

impose 100 days of operation.

While evaluating the EPA's

action for a regulated area, the

agency is reviewing

the dumping practices.

Even though the EPA's chief regional administrator said, "The EPA will work with the state Department of Natural Resources and MMSD on a case-by-case basis," the agency's action, it said, "will be to ensure that the EPA's regulatory authority is not undermined."

That action could range from a monitored dump to impose fines to \$25,000 a day or impose 100 days of operation. While evaluating the EPA's action for a regulated area, the agency is reviewing the dumping practices.

Even though the EPA's chief regional administrator said, "The EPA will work with the state Department of Natural Resources and MMSD on a case-by-case basis," the agency's action, it said, "will be to ensure that the EPA's regulatory authority is not undermined."

That action could range from a monitored dump to impose fines to \$25,000 a day or impose 100 days of operation. While evaluating the EPA's action for a regulated area, the agency is reviewing the dumping practices.

Even though the EPA's chief regional administrator said, "The EPA will work with the state Department of Natural Resources and MMSD on a case-by-case basis," the agency's action, it said, "will be to ensure that the EPA's regulatory authority is not undermined."

That action could range from a monitored dump to impose fines to \$25,000 a day or impose 100 days of operation. While evaluating the EPA's action for a regulated area, the agency is reviewing the dumping practices.

Even though the EPA's chief regional administrator said, "The EPA will work with the state Department of Natural Resources and MMSD on a case-by-case basis," the agency's action, it said, "will be to ensure that the EPA's regulatory authority is not undermined."

Even though the EPA's chief regional administrator said, "The EPA will work with the state Department of Natural Resources and MMSD on a case-by-case basis," the agency's action, it said, "will be to ensure that the EPA's regulatory authority is not undermined."

That action could range from a monitored dump to impose fines to \$25,000 a day or impose 100 days of operation. While evaluating the EPA's action for a regulated area, the agency is reviewing the dumping practices.

Even though the EPA's chief regional administrator said, "The EPA will work with the state Department of Natural Resources and MMSD on a case-by-case basis," the agency's action, it said, "will be to ensure that the EPA's regulatory authority is not undermined."

That action could range from a monitored dump to impose fines to \$25,000 a day or impose 100 days of operation. While evaluating the EPA's action for a regulated area, the agency is reviewing the dumping practices.

Even though the EPA's chief regional administrator said, "The EPA will work with the state Department of Natural Resources and MMSD on a case-by-case basis," the agency's action, it said, "will be to ensure that the EPA's regulatory authority is not undermined."

That action could range from a monitored dump to impose fines to \$25,000 a day or impose 100 days of operation. While evaluating the EPA's action for a regulated area, the agency is reviewing the dumping practices.

Even though the EPA's chief regional administrator said, "The EPA will work with the state Department of Natural Resources and MMSD on a case-by-case basis," the agency's action, it said, "will be to ensure that the EPA's regulatory authority is not undermined."

Even though the EPA's chief regional administrator said, "The EPA will work with the state Department of Natural Resources and MMSD on a case-by-case basis," the agency's action, it said, "will be to ensure that the EPA's regulatory authority is not undermined."

That action could range from a monitored dump to impose fines to \$25,000 a day or impose 100 days of operation. While evaluating the EPA's action for a regulated area, the agency is reviewing the dumping practices.

Even though the EPA's chief regional administrator said, "The EPA will work with the state Department of Natural Resources and MMSD on a case-by-case basis," the agency's action, it said, "will be to ensure that the EPA's regulatory authority is not undermined."

That action could range from a monitored dump to impose fines to \$25,000 a day or impose 100 days of operation. While evaluating the EPA's action for a regulated area, the agency is reviewing the dumping practices.

Even though the EPA's chief regional administrator said, "The EPA will work with the state Department of Natural Resources and MMSD on a case-by-case basis," the agency's action, it said, "will be to ensure that the EPA's regulatory authority is not undermined."

That action could range from a monitored dump to impose fines to \$25,000 a day or impose 100 days of operation. While evaluating the EPA's action for a regulated area, the agency is reviewing the dumping practices.

Even though the EPA's chief regional administrator said, "The EPA will work with the state Department of Natural Resources and MMSD on a case-by-case basis," the agency's action, it said, "will be to ensure that the EPA's regulatory authority is not undermined."

Even though the EPA's chief regional administrator said, "The EPA will work with the state Department of Natural Resources and MMSD on a case-by-case basis," the agency's action, it said, "will be to ensure that the EPA's regulatory authority is not undermined."

That action could range from a monitored dump to impose fines to \$25,000 a day or impose 100 days of operation. While evaluating the EPA's action for a regulated area, the agency is reviewing the dumping practices.

Even though the EPA's chief regional administrator said, "The EPA will work with the state Department of Natural Resources and MMSD on a case-by-case basis," the agency's action, it said, "will be to ensure that the EPA's regulatory authority is not undermined."

That action could range from a monitored dump to impose fines to \$25,000 a day or impose 100 days of operation. While evaluating the EPA's action for a regulated area, the agency is reviewing the dumping practices.

Even though the EPA's chief regional administrator said, "The EPA will work with the state Department of Natural Resources and MMSD on a case-by-case basis," the agency's action, it said, "will be to ensure that the EPA's regulatory authority is not undermined."

That action could range from a monitored dump to impose fines to \$25,000 a day or impose 100 days of operation. While evaluating the EPA's action for a regulated area, the agency is reviewing the dumping practices.

Even though the EPA's chief regional administrator said, "The EPA will work with the state Department of Natural Resources and MMSD on a case-by-case basis," the agency's action, it said, "will be to ensure that the EPA's regulatory authority is not undermined."

Troubled Water

Great Lakes area
resists Bush over
water diversion

By DAN SHINE
Kings Highway News Service

Detroit — The Great Lakes weren't mentioned by name, but President Bush's recent comments that he wants to talk to Canadian Prime Minister Jean Chretien about piping water to Southwestern and Western states has

created ripples in the Midwest water

You remember the
"You never miss the water."

Green Bay aquifer sent crisis signal

GREEN BAY — The pumps that used to pull water from the aquifer be-

water laws

Bottled water, at what price?
Perrier's Wisconsin plans highlight groundwater concerns.

By WILL FANTLE

Perrier's proposed bottling operation in Adams County is the latest in a series of water rights developments in the region. It would pump up to 100 gallons a minute, 24 hours a day, from the Green Bay aquifer. The company is also planning to build a new bottling plant in the area. The company is also planning to build a new bottling plant in the area.



Showing water level decline
that pump test.

Perrier's proposed bottling operation in Adams County is the latest in a series of water rights developments in the region. It would pump up to 100 gallons a minute, 24 hours a day, from the Green Bay aquifer. The company is also planning to build a new bottling plant in the area. The company is also planning to build a new bottling plant in the area.

The Perrier company says that the project is a water conservation project. The company says that the project is a water conservation project. The company says that the project is a water conservation project.

Resource concern #1

Surface Water Impacts



**Big
Spring**



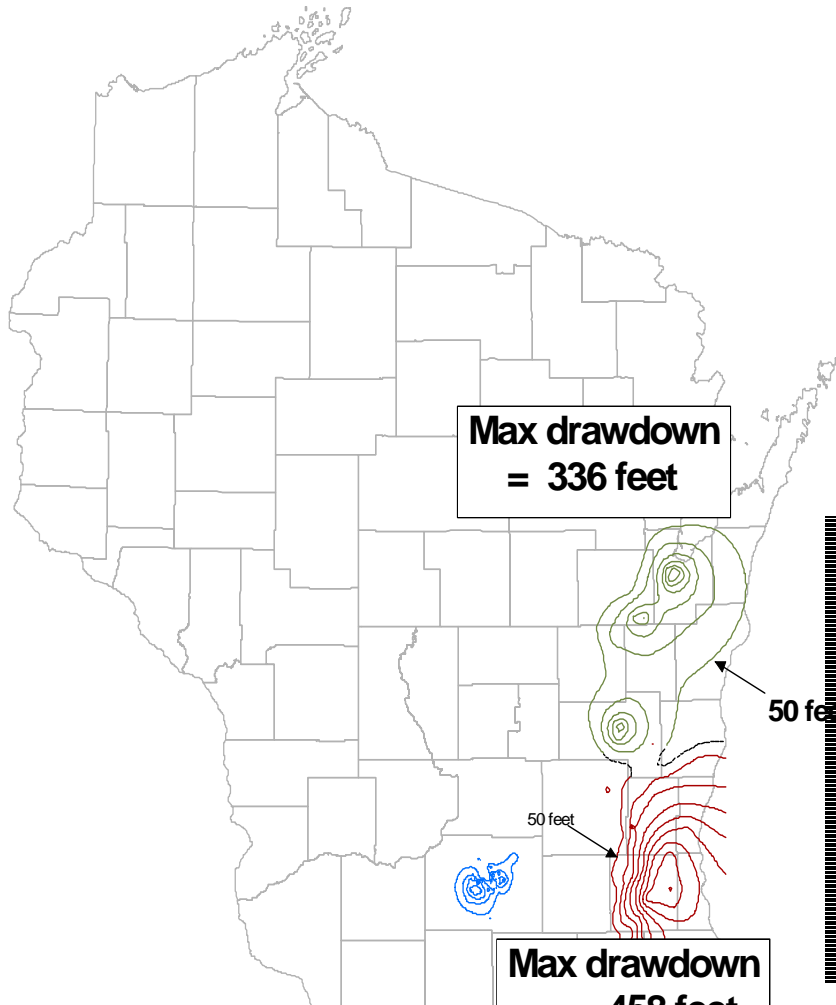
L. Plover



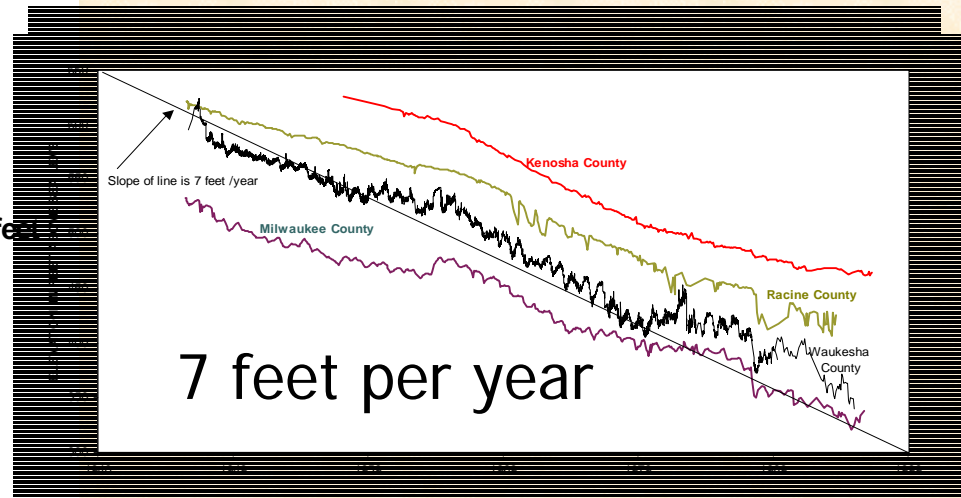
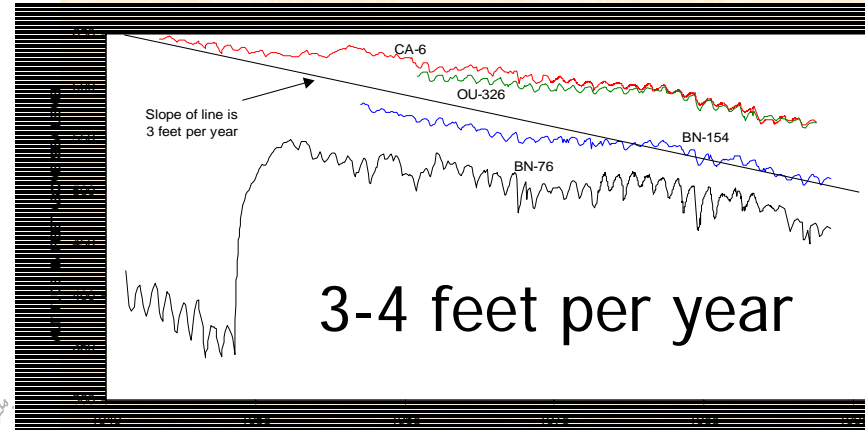
**Madison
springs**

Resource concern #2: Overpumping of Deep Sandstone Aquifer

Drawdown in the Sandstone Aquifer



Source: USGS &
WGNHS



Groundwater management needs

- Ability to manage impacts of pumping on lakes, streams, wetlands
- Mechanism to address water management on regional level
- Information and data
- Funding mechanism

Current well regulation

- >800,000 private residential wells
- >11,000 high capacity wells
- 17,000 new wells drilled every year
- Private well construction must follow Well Code
- High capacity wells need approval
- Public water systems must undergo additional plan review

High capacity wells



- Can pump $> 100,000$ gpd (70 gpm) from single property
- Used for irrigation, livestock, manufacturing, beverages, and public water supply
- Existing approvals consider effects on public water supplies

The path to new legislation

- Waters of Wisconsin
- Governor's 2003 Earth Day Challenge
- Kedzie/Johnsrud's "Big Tent"
- Groundwater Protection Act Subcommittee
- AB 926/SB 524
- Earth Day 2004



Key aspects of legislation

- Requires notification of all new well construction and water use reporting
- Expands DNR authority to consider environmental impacts in issuing high cap approvals in certain situations
- Directs DNR to establish Groundwater Management Areas in 2 parts of state
- Creates Groundwater Advisory Committee to advise department and make recommendations for future legislation

Other key points

- Retains protection of public water utility wells
- Most areas of state and most well approvals will be “business as usual”
- Recognizes that all wells have impact on quantity
- Recognizes connection between surface and groundwater, quality and quantity
- Acknowledges need for further solutions, including legislation

Details of legislation

- Tracking well construction and water use
- Environmental review of some high cap wells
- Groundwater Management Areas
- Groundwater Advisory Committee

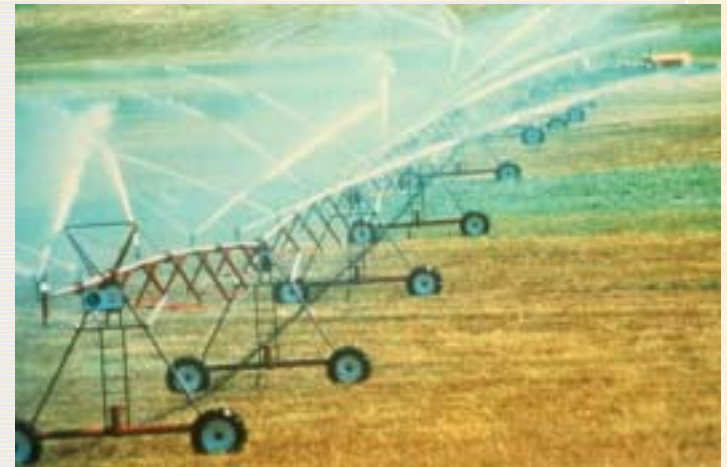
Tracking well construction...

- Requires notification of *all* new well construction (domestic and high capacity)
- Fees on *all* new wells -
\$50 for private well, \$500 for high cap
- Helps assure proper location and construction
- Increased inspections



...and water use

- *All* high capacity wells will report water use on an annual basis, including ones with existing approvals
- Improved knowledge will help better manage groundwater resources



Environmental reviews of high capacity wells

- Groundwater Protection Areas (GPAs)
 - within 1200 feet of ORW, ERW, and trout streams
- Consumptive uses (withdrawals that result in water loss of >95%)
- Significant impacts on high flow springs (>1 cubic foot per second)

Environmental reviews



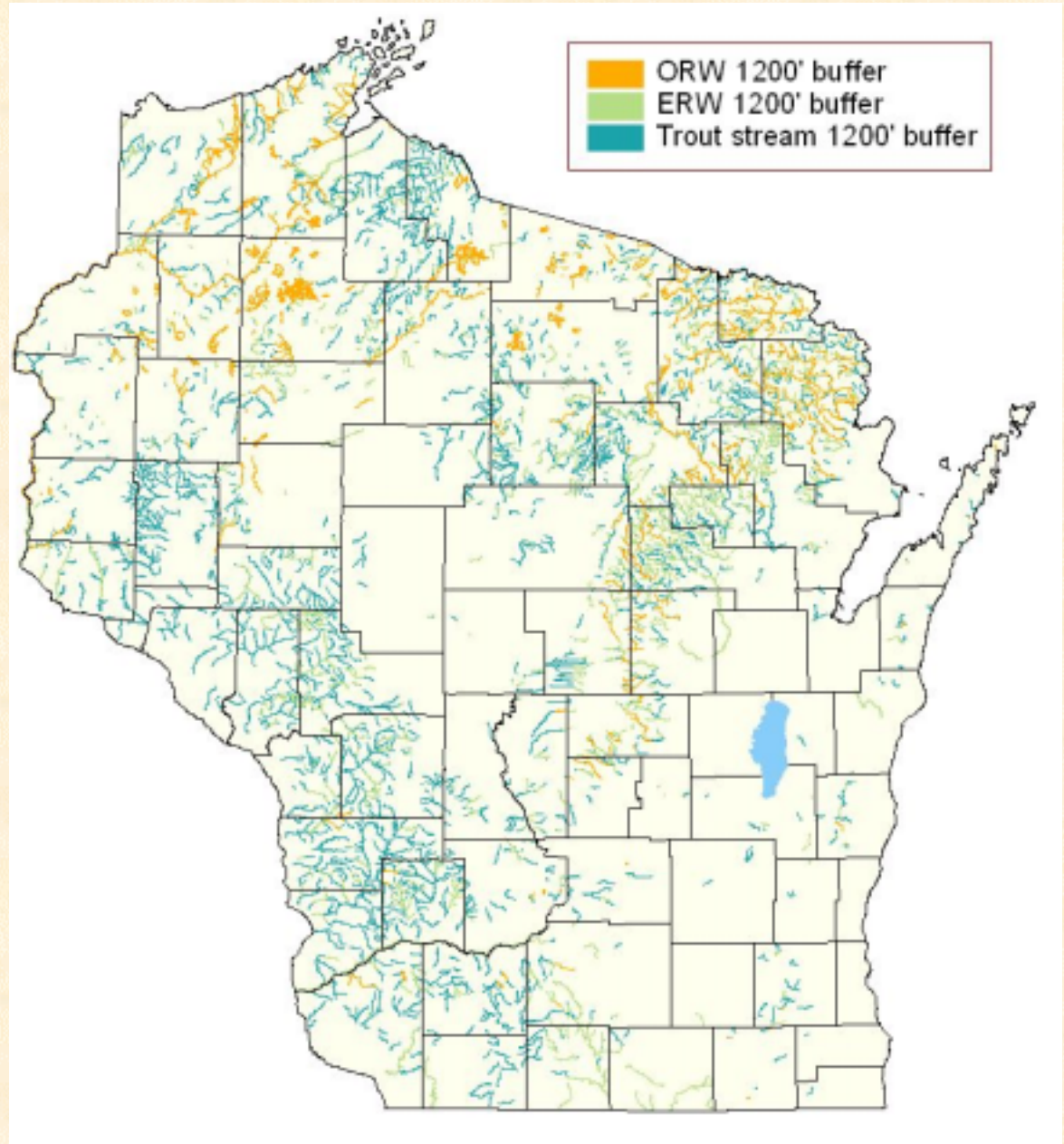
- If a proposed well meets any of these conditions, an environmental analysis may be needed
- Balance test for public water supply wells

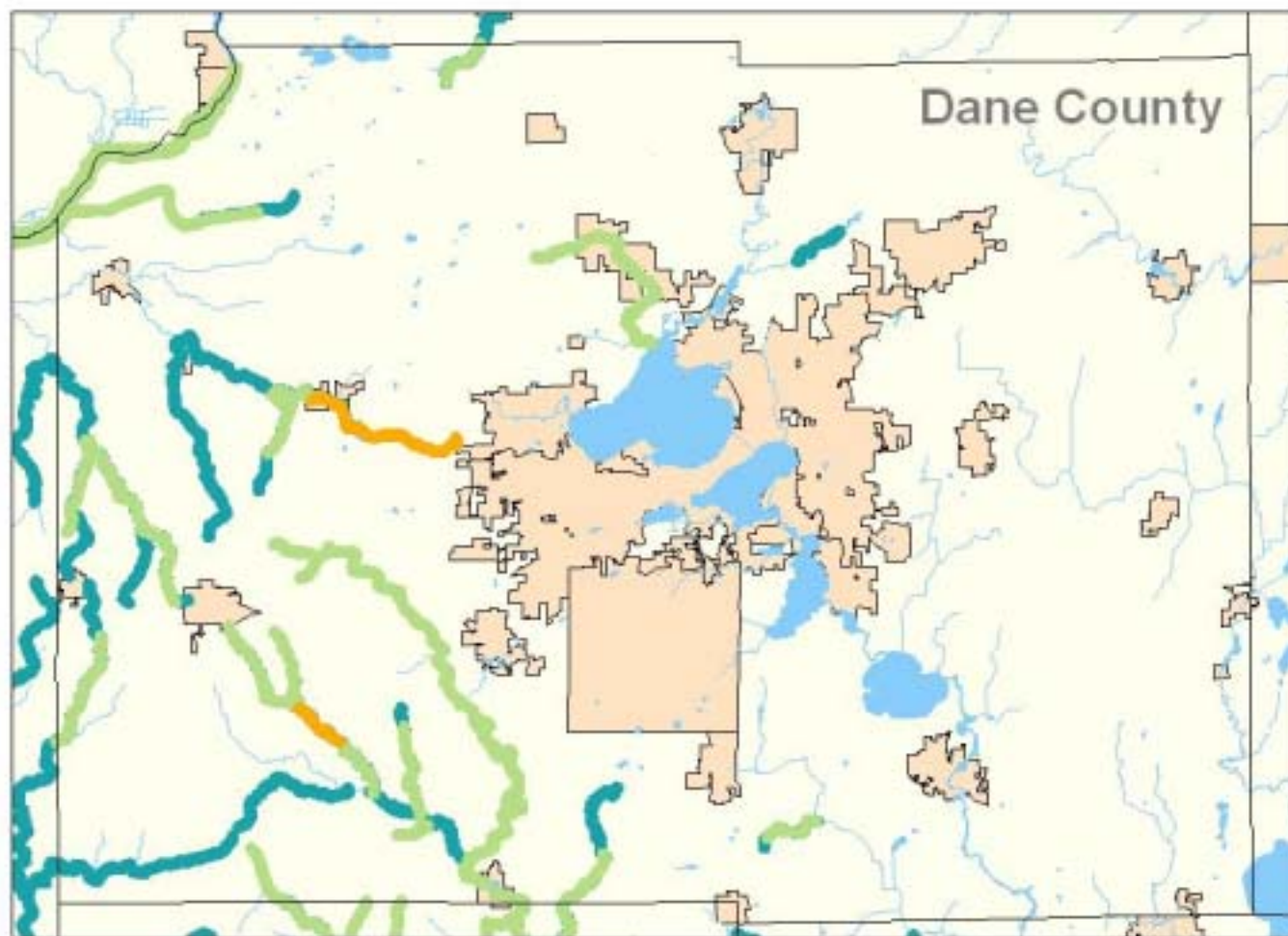
GPAs:

ORW =
Outstanding
Resource Water

ERW =
Exceptional
Resource Water

Trout Streams
include Class I,
II, and III





- ORW 1200' buffer
- ERW 1200' buffer
- Trout stream 1200' buffer
- Municipalities

Possible look of GMAs



Groundwater Advisory Committee

- Members appointed by Governor and Legislature
- Must represent municipal, industrial, agricultural, and environmental interests
- Staffed by DNR
- Science and policy experts to provide assistance



Groundwater Advisory Committee

- Two broad tasks
 - Recommendations for management within Groundwater Management Areas (GMAs)
 - Evaluation of new high capacity well regulations
- Reports due to legislature by end of 2007
- Recommendations could include future legislation

Task #1: GMAs

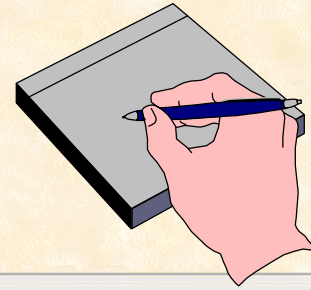
- Management practices to be used by local governments and regional planning commissions within GMAs
- Whether other areas of the state should be designated
- How and when to remove GMA designation



Task #2: Evaluation of high cap regulations

- Changes regarding regulation of wells within GPAs, near springs, or with >95% water loss
- Better definition of springs
- Potential for use of general permits
- Factors to be considered in determining “significant environmental impact”
- Adaptive management approaches

Steps Ahead



- Funding and positions
- Track notifications and fees
- Issue approvals with elevated review (6-12 per year)
- Collect groundwater data
- Complete well construction inspections
- Help establish and staff Groundwater Advisory Committee
- Administrative Rules

Some things will have to wait

- Streamflow and water level monitoring
- Grants for technical assistance to local and regional governments and other associated work will be modest



Closing thoughts....

